HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 25064 OF 2006

DATED: 21.6.2007

Between:

K. Padma and another

… Petitioners

and

The Joint Collector and Additional District
Magistrate, East Godavari District, Kakinada and others

…
Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 25064 of 2006

ORAL ORDER:

The singular complaint in this writ petition is that the 1st respondent-Joint Collector and Additional District Magistrate, East Godavari at Kakinada, passed the order dated 2.11.2006, considering the petitioners' objections lodged under Section 5-A of the Land Acquisition Act, 1894 (for short 'the Act') to the proposals for acquisition of their lands in an extent of Ac.5.67 cents in S.No.250/3A, Talluru Village, Gandepalli Mandal, East Godavari District, for provision of house-sites for weaker section people.

According to the petitioners, a final decision on the objections lodged to the acquisition process could be taken only by the State Government under Section 5-A (2) of the Act. In case there is a delegation of powers of the State Government to the District Collectors, in terms of the powers to delegate, under Section 3-A of the Act, the District Collector may exercise the powers under Section 5-A (2) of the Act, but not the Joint

Collector, is the contention.

In the case on hand, the Joint Collector, East Godavari District had rejected the petitioners' objections lodged under Section 5-A of the Act and directed further process of acquisition. The learned Government Pleader for Land Acquisition states that in G.O.Ms.No.1378, Revenue Department, dated 15.10.1975, the State Government exercising powers conferred under Section 3-A of the Act, had delegated to all the District Collectors its power to exercise the jurisdiction and authority under Section 5-A of the Act, in relation to acquisition of land for construction, extension and improvement of any dwelling houses for the poor and that therefore it was the District Collector and not the Joint Collector, who is competent. The learned Government Pleader states that the impugned order passed by the Joint Collector is patently incompetent and unsustainable. It is also stated on behalf of the respondents that this illegal order would be rescinded forthwith and the appropriate and competent authority would pass an order, afresh.

In the light of the submissions made on behalf of the respondents by the learned Government Pleader for Land Acquisition, no further orders need be passed.

The writ petition is disposed of recording the submission on behalf of the respondents. No costs.

GODA RAGHURAM, J

Date: 21.6.2007

cvm